

- SUBJECT:** Ballot petition requirements for statewide judicial elections
- COMMITTEE:** Judicial Affairs — favorable, without amendment
- VOTE:** 7 ayes — Hartnett, T. Smith, Solis, Alonzo, Hughes, Rodriguez, Telford  
0 nays  
2 absent — Corte, Wilson
- WITNESSES:** For — Lawrence E. Meyers, Texas Criminal Court of Appeals and Supreme Court of Texas  
Against — None
- BACKGROUND:** To be placed on the general primary election ballot, a candidate must file an application as required under Election Code, sec. 172.021. A statewide candidate, including a candidate for the Supreme Court of Texas or the Texas Court of Criminal Appeals, must submit with the application either a \$3,000 filing fee or a petition containing at least 5,000 signatures.
- Candidates who seek election to courts of appeals and statutory county courts in counties with populations of 850,000 or greater, and who choose to pay the filing fees, also must submit with the application a petition containing at least 2,000 signatures.
- Government Code, sec. 22.201 establishes 14 court of appeals districts. The First and the Fourteenth districts have the same counties, and some other districts have overlapping counties.
- DIGEST:** HB 296 would require a candidate for the Supreme Court or Court of Criminal Appeals who chose to pay the filing fee also to submit a petition with the application. The petition would have to contain at least 50 signatures from each of the 14 court of appeals districts.
- The bill would take effect September 1, 2003.

**SUPPORTERS  
SAY:**

HB 296 would help ensure that candidates for statewide judicial offices truly enjoyed statewide support and were qualified to serve on our highest appellate courts. Candidates could not get on the ballot simply by paying the filing fee, but also would have to demonstrate support in every region of the state. This additional requirement would help ensure that unqualified candidates who paid their filing fee at the last minute were not elected to high judicial office simply by trading on a catchy name.

The bill properly would distinguish between statewide judicial candidates and other statewide candidates who could choose simply to pay the filing fee. Because the public generally pays less attention to judicial elections and because the highest appellate courts require specialized knowledge and qualifications, statewide judicial candidates should have to make themselves known by seeking petition signatures from across the state to get on the ballot.

This bill would improve upon HB 1117, which Governor Perry vetoed last session, by requiring more signatures from an even wider cross-section of the state. HB 1117 called for 100 signatures from each of five state senatorial districts, while HB 296 would require 50 signatures from each of the 14 court of appeal districts. A similar petition requirement exists under current law for candidates who choose to pay filing fees and seek election to courts of appeals and statutory county courts in counties with populations of 850,000 or more.

**OPPONENTS  
SAY:**

HB 296 would be unfair to statewide judicial candidates by making them file petitions with at least 50 signatures from each of 14 court of appeals districts — a total of 700 signatures — while other statewide candidates could continue to submit only the filing fee. Gov. Perry correctly vetoed very similar legislation last session, saying that ballot access for all statewide candidates should be the same. HB 296 would not correct this basic flaw.

Obtaining the needed signatures from each court of appeals district could be burdensome for many judicial candidates about whom the public have little information and little motivation to become informed. The bill could create an advantage for “career” politicians and those with the financial resources to organize a state petition drive to the detriment of citizen-lawyers who want to serve.

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**OTHER  
OPPONENTS  
SAY:**

HB 296 represents an improvement on current law, but replacing the elected judge system with a system of appointed judges would solve the problem entirely.

**NOTES:**

The 77th Legislature in 2001 enacted HB 1117 by Goodman, which was identical to HB 296 except that the petition would have required 100 signatures from each of five state senatorial districts. Gov. Perry vetoed HB 1117, saying it would have imposed a new petition requirement only on candidates for the Texas Supreme Court and the Texas Court of Criminal Appeals and ballot access requirements for all statewide candidates should be the same.